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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/584,085

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Markus Baumann

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER

PITARO, RYAN F

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

12/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/584,085	Applicant(s) BAUMANN ET AL.	
	Examiner RYAN F. PITARO	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/12/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

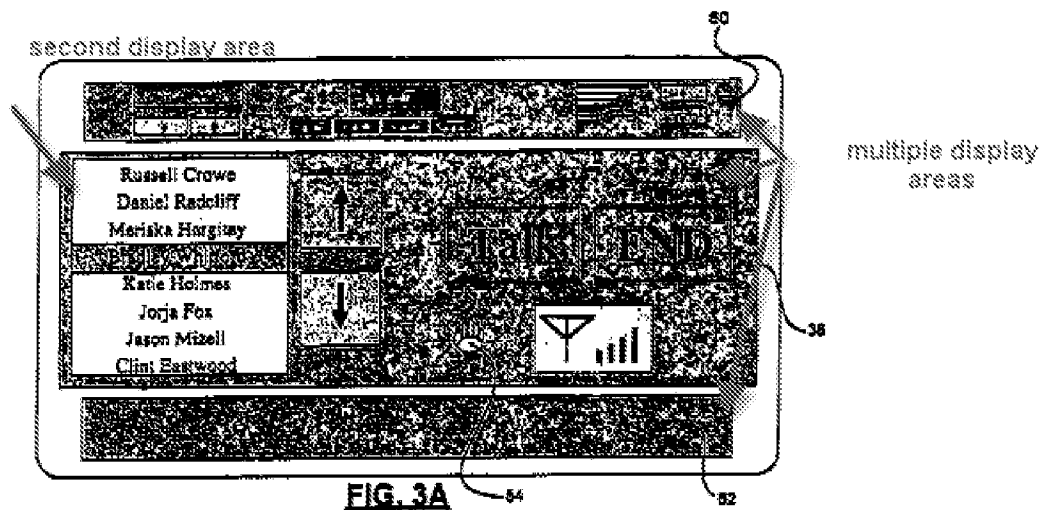
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11-13, 16-19, 21, 27-29 rejected under 35 U.S.C. 102(e) as being anticipated by Ichinose ("Ichinose", US 6,819,990).

As per claim 11, Ichinose teaches a control system (1) for a motor vehicle, said system comprising:

a manual operating device having a plurality of adjustment degrees of freedom selecting and activating entries in a menu structure having a plurality of menu levels (Column 2 lines 16-36, touch pad),

a screen display having a plurality of active display areas for displaying the menu structure, the active display areas each comprising at least one field for displaying one of the entries



, wherein a first plurality of said entries being arranged in a second display area which is in the form of a list in one of said active display areas on at least one menu level (see figure 3A above second display area), and

an (n+ 1)th display area activated and displayed by activating at least one of said entires in an nth display area, wherein the (n+1)th display area is displayed beside the nth display area (see figure 6 below, by activating 60 in the display area, all displays are shifted downward Column 3 lines 45-60)

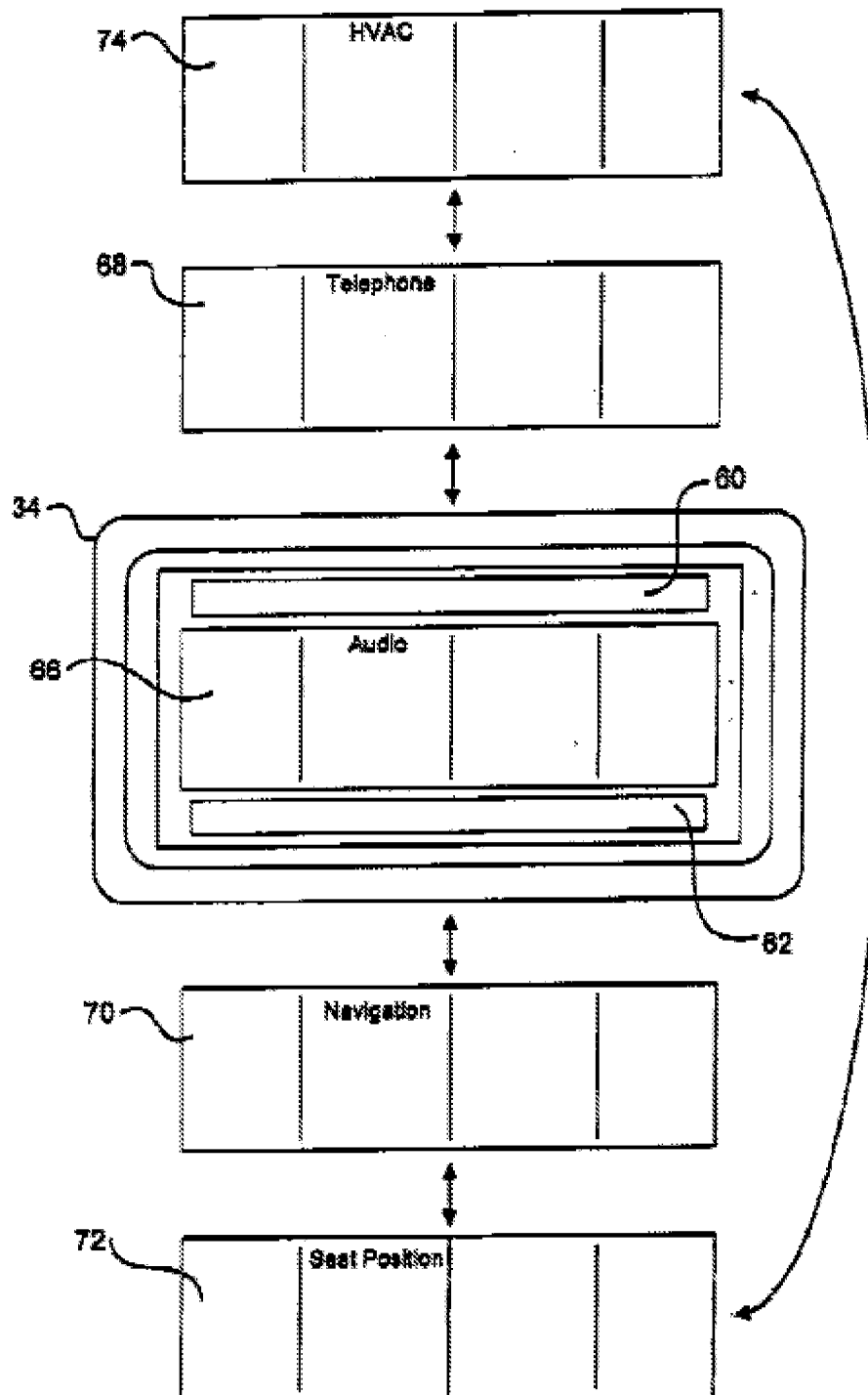


FIG. 6

or in

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such a manner that it at least partially overlaps the n th display area, on the screen display in the active display area, and wherein n is a natural number (whole number of displays).

As per claim 12, Ichinose teaches the control system as claimed in claim 11, wherein the $(n+1)$ th display area is displayed on the screen display on the basis of available free space (Figure 6, wherein all display area cannot be displayed therefore a user must shift the display area into focus).

As per claim 13, Ichinose teaches the control system as claimed in claim 11, wherein the $(n+1)$ th display area is in the form of a list having at least one entry (Figure 3a, telephone screen).

As per claim 16, Ichinose teaches the control system as claimed in claim 15, wherein the $(n+ 1)$ th display area, which is in the form of a list, shifts the plurality of said entries in the list of the n th display area downward or upward in the case of a vertical list or to the left or right in the case of a horizontal list (Figure 3B, up and down).

As per claim 17, Ichinose teaches the control system as claimed in claim 15, wherein the $(n+ 1)$ th display area has the same width as the n th display area (Figure 6).

As per claim 18, Ichinose teaches the control system as claimed in claim 11, wherein the $(n+1)$ th display area is in the form of a parameter area for setting a parameter (Figure 3b, adjusting the volume).

As per claim 19, Ichinose teaches the control system as claimed in claim 18, wherein the $(n+1)$ th display area, which is in the form of a parameter area replaces the entry, which activates it, in the list of the n th display area (Figure 6).

As per claim 21, Ichinose teaches the control system as claimed in claim 12, wherein the $(n+1)$ th display area is in the form of a list having at least one entry (Figure 3b, telephone entries list).

As per claim 27, Ichinose teaches the control system as claimed in claim 16, wherein the $(n+1)$ th display area has the same width as the n th display area (Figure 6).

As per claim 28, Ichinose teaches the control system as claimed in claim 12, wherein the $(n+1)$ th display area is in the form of a parameter area for setting a parameter (Figure 3b, adjusting the volume).

As per claim 29, Ichinose teaches the control system as claimed in claim 13, wherein the (n+ 1)th display area is in the form of a parameter area for setting a parameter (Figure 3b, adjusting the volume).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Ichinose ("Ichinose", US 6,819,990).

As per claim 20, Ichinose fails to teach the control system as claimed in claim 11, wherein at least a last activated display area which was activated last is closed by operating the manual operating means with an adjustment degree of freedom which is orthogonal to the orientation of the entries in the last activated display area wherein all of the activated display areas are simultaneously closed in the case of an operating direction away from the triggering display area,

and only the last activated display area is closed by an operation toward the triggering display area, and wherein the triggering display area is activated for a new selection of an entry. However, Official notice is taken that forward and back buttons to open and close the most recently used item is notoriously well known in the art.

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Therefore it would have been obvious to an artisan at the time of the invention to combine the current teaching with the system of Ichinose. Motivation to do so would have been to allow a user to quickly revert to a previous state in case of an accidental manual operating move.

Claims 14-15, 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichinose ("Ichinose", US 6,819,990) in view of Bereiter et al ("Bereiter", US 5917492).

As per claim 14, Ichinose fails to teach the $n+1$ th display area partially overlapping a plurality of display areas. However, Bereiter teaches the control system as claimed in claim 11, wherein the $(n+1)$ th display area at least partially overlaps a plurality of display areas (Column 10 lines 16-35). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Bereiter with the system of Ichinose. Motivation to do so would have been to utilize the given display area while still maintaining an overview of entire menu hierarchy.

As per claim 15, Ichinose-Bereiter teaches the control system as claimed in claim 11, wherein the $(n+1)$ th display area is displayed within the n th display area (Bereiter, Column 10 lines 16-35) .

As per claim 16, Ichinose-Bereiter teaches the control system as claimed in claim 12, wherein the $(n+1)$ th display area at least partially overlaps a plurality of display areas (Bereiter, Column 10 lines 16-35).

As per claim 23, Ichinose-Bereiter teaches the control system as claimed in claim 13, wherein the $(n+1)$ th display area at least partially overlaps a plurality of display areas (Bereiter, Column 10 lines 16-35).

As per claim 24, Ichinose-Bereiter teaches the control system as claimed in claim 12, wherein the $(n+1)$ th display area is displayed within the n th display area (Bereiter, Column 10 lines 16-35).

As per claim 25, Ichinose-Bereiter teaches the control system as claimed in claim 13, wherein the $(n+1)$ th display area is displayed within the n th display area.

As per claim 26, Ichinose-Bereiter teaches the control system as claimed in claim 14, wherein the $(n+1)$ th display area is displayed within the n th display area (Bereiter, Column 10 lines 16-35).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN F. PITARO whose telephone number is (571)272-4071. The examiner can normally be reached on 9:00am - 5:30pm Mondays through Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on 571-272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan F Pitaro/
Examiner, Art Unit 2174